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ENQUIRER LOCAL NEWS COVERAGE

Friday, August 22, 1997

Ex-cop faces indictment

Faked evidence brings charges

BY KRISTEN DELGUZZI

The Cincinnati Enquirer

Thirteen years ago, Cincinnati police Officer John Sess caught up with a fleeing drug suspect and - as he was arresting him - tucked a bag of drugs into the man's pocket. Four months ago, Sgt. Sess admitted to the misdeed during a routine interview with police officials.

Now, three months after being fired for violating the police department's code of ethics, Mr. Sess is facing felony criminal charges of tampering with evidence and tampering with records.



Sgt. John Sess

The indictment, returned Thursday by a Hamilton County grand jury, was based largely on Mr. Sess' own words, and on those of drug suspect and alleged victim Shadarle Ragan, who testified before the grand jury.

"This is a very serious thing and a very serious charge," Hamilton County Prosecutor Joseph Deters said. "You simply cannot have police officers who are willing to plant evidence on a defendant. You cannot allow police to sink to their level."

If convicted, Mr. Sess faces up to 3 1/2 years in prison. An arrest warrant was not issued, but Mr. Sess will have to surrender in a few days.

Mr. Ragan, who had at least four prior drug trafficking convictions, later pleaded guilty in the case. His attorney, Kenneth Lawson, said he might try to have that overturned.

Mr. Sess, who joined the force in 1973, was interviewing for a transfer to the Regional Enforcement Narcotics Unit when he admitted to manipulating evidence. The two charges stem from planting the the drugs and then logging the bag of marijuana in as evidence.

Mr. Deters said he is unsure what motivated Mr. Sess to plant a small bag of marijuana on Mr. Ragan, who had dropped five similarly sized packets as he fled.

"It sounds to me like he wanted to have a good case be even better," he said.

Mr. Sess, who is challenging his dismissal, could not be reached. Donald Hardin, the attorney handling the appeal, said that the grand jury's action was a surprise, but that it should not affect the dismissal appeal, scheduled before an arbitrator next month.

The indictment was somewhat of a shock, too, because of the time elapsed since the admission and prosecutors' ability to use Mr. Sess' words against

him.

When Mr. Sess first told officers about the manipulation of evidence, police said it was impossible to pursue criminal charges because the statement was made at the direction of a supervisor.

Courts have held that when an officer is ordered to answer questions - such as during an internal investigation - the comments cannot be used for prosecutions. But Mr. Deters said that rule does not apply to Mr. Sess because "he volunteered the information."

The delay was caused by the depth of the investigation, which involved questioning other officers who participated in the arrest of Mr. Ragan to see whether they were aware of the misdeed. None was, Mr. Deters said.

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